

North Pacific Fishery Management Council

Stephanie Madsen, Chair
Chris Oliver, Executive Director

Telephone (907) 271-2809



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

Certified _____
Stephanie Madsen, Chair

Date: _____

MINUTES

176th Plenary Session
North Pacific Fishery Management Council
June 7-13, 2006
Kodiak Inn
Kodiak, Alaska

The North Pacific Fishery Management Council met February 8-14, 2006, at the Doubletree Hotel-SeaTac in Seattle, Washington. The Scientific and Statistical Committee met February 6-8, and the Advisory Panel met February 6-10 at the same location. The following Council, staff, SSC and AP members attended the meeting:

Council Members

Stephanie Madsen, Chair
Sue Salvesson for Jim Balsiger
Dave Benson
John Bundy, Vice Chair
McKie Campbell/Earl Krygier
Arne Fuglvog (Feb. 9-11)

Dave Hanson
Doug Hoedel
Roy Hyder
Jeff Koenings/Bill Tweit
Eric Olson
CDR Mike Cerne for ADM Olson
Ed Rasmuson

Absent: Lenny Corin; Stetson Tinkham

NPFMC Staff

Gail Bendixen
Cathy Coon
Jane DiCosimo
Elaine Dinneford
Diana Evans
Mark Fina
Nicole Kimball

Chris Oliver
Jon McCracken
Jim Richardson
Maria Shawback
Diana Stram
Bill Wilson
Dave Witherell

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Support Staff/Presentations

Lauren Smoker, NOAA-GCAK
Lisa Lindeman, NOAA-GCAK
Darrell Brannan
Jay Ginter, NMFS-AKR
Glenn Merrill, NMFS-AKR
LT Dan Schaeffer, USCG-Kodiak
Herman Savikko, ADF&G
Allen Bingham, ADF&G
Kaja Brix, NMFS-AKR
Gregg Williams, IPHC
Bruce Leaman, IPHC
Libby Logerwell, AFSC

Ed Dersham, ADF&G
Sue Aspelund, ADF&G
Doug Vincent-Lang, ADF&G
Jeff Passer, NOAA Enforcement
Doug Vincent-Lang, ADF&G
Jeff Hartman, NMFS-AKR
Rachel Baker, ADF&G
Kent Lind
Bill Karp, AFSC
Steve Barbeaux, AFSC
Kelly Hepler, ADF&G

Scientific and Statistical Committee

Gordon Kruse, Chair
Keith Criddle
Steven Hare
Mark Herrmann
Sue Hills
Anne Hollowed
George Hunt

Pat Livingston, Vice Chair
Seth Macinko
Franz Mueter
Steve Parker
Terry Quinn II
Farron Wallace
Dave Woodby

Advisory Panel

Al Burch
Lisa Butzner
Joe Childers
Cora Crome
Craig Cross
Tom Enlow
Duncan Fields
Bob Gunderson
John Henderschedt
Jan Jacobs

Bob Jacobson
Simon Kinneen
Kent Leslie
Matt Moir
John Moller
Jeb Morrow
Ed Poulsen
Jim Preston
Michelle Ridgway
Lori Swanson

The following members of the public registered their attendance:

Gregg Nady
Shawn Griggs
Glenn Reed
Gerry Merrigan
Craig Cross
Brent Paine
John Bruce
Stephen Taufen
Heather McCarty
Thorn Smith

Russell Pritchett
Rob Wurm
Kris Norosz
John Henderschedt
Frank Kelty
Marcus Alden
Theresa Peterson
Shawn C. Dochtermann
Darius Kasprzak

A list of persons giving public comment during the meeting is attached as Appendix I to these minutes.

A. CALL TO ORDER

Stephanie Madsen, Council Chair, called the meeting to order at approximately 8:04 a.m. on Wednesday, February 8, 2006.

Agenda. The agenda was approved as published.

Minutes. Minutes of the December 2005 meeting were approved with one correction: Ms. Madsen's first name was misspelled on page one.

B. REPORTS

The Council received the following reports: Executive Director's Report (B-1), NMFS Management Report (B-2); U.S. Coast Guard Report (B-3); NMFS Enforcement Report (B-4); ADF&G (included comment on BOF proposals and creel survey report (B-5), U.S. Fish and Wildlife Report (written only) (B-6); Protected Species Report (B-7), a report from the Shell Oil Co. on upcoming lease sales (B-8), and a report from the International Pacific Halibut Commission (B-9). Following are brief recaps of discussion or action take during reports:

Executive Director's Report

The Council received a request from the Northwest Arctic Borough to consider inclusion of several western Alaska coastal villages in the Western Alaska Community Development Quota Program. It was pointed out that the CDQ program was designed for communities on the Bering Coast and the communities mentioned are not within the management area outlined in the MSFCMA. The Council instructed the Executive Director to respond to the Borough clarifying Council authority and that if legislative authority was provided, the Council would then be in a position to consider addition of the communities in the request.

The Council also asked the Executive Director to follow up on the issue of the delay in initiation of the crab loan program to determine what actions are needed and who is responsible to get the program underway.

NMFS Management Report

Jay Ginter advised the Council that the agency has recently become aware that NMFS may be required by statute to generate a fee program for any program where there is an allocation to an entity and there may be a potential application of cost recovery fees to fishing cooperatives. There are several areas that need to be clarified, however, and NMFS staff will provide a discussion paper on the subject at the June 2006 meeting. Council members asked that agency staff provide information on the regulatory action that implemented the cost recovery program in 1996 Sustainable Fisheries Act, the latest report on the assessment for the halibut and sablefish IFQ program, how it is calculated and applied, and how the funds are spent.

In addition to the update on current amendments and the status of fisheries, the Council received a progress report from Glenn Merrill on the analysis for the proposed rockfish pilot program, which would award exclusive harvest privileges to voluntary cooperatives for rockfish species in the central GOA.

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Dr. Koenings pointed out that the inseason report shows that the incidental catch rates for salmon in the Bering Sea pollock fishery are higher than those of 2005 in the Chinook salmon savings area and asked whether there is any information on the species composition or areas of origin for those salmon.. Ms. Salveson responded that NMFS is considering hiring a contractor to conduct coded wire tag studies to gather this type of information.

U.S. Coast Guard Report

CDR Mike Cerne introduced Captain Custard, the new Chief of Response for the 17th Coast District in Juneau. CAPT Custard told the Council that the Coast Guard is very appreciative of the support and cooperation of the Council, NOAA Enforcement, and the State of Alaska and is encouraged by the Council's work on a comprehensive VMS requirement which will help achieve mutual goals of resource conservation and protection. Captain Rod Parker, Chief of Staff for Coast Guard District 13 of Seattle, also attended a portion of the meeting.

CDR Cerne provided the annual review of Coast Guard activities in the region for 2005. CDR Cerne noted several actions the Guard may take to compensate for loss of funds and/or vessels next year, including the possible use of some buoy tenders for enforcement and reallocating resources from maritime boundary surveillance to other areas because the declining activities in that area. Additionally, because there were no major violations in critical habitat enforcement, some reallocation of resources in that area may be possible. He noted that with crab rationalization the *opilio* fishery will be more spread out, in area and time, and will require a significant increase in Coast Guard resources. However, CDR Cerne noted that coordination with other enforcement agencies has been unprecedented and successful in this new program.

LT Dan Schaefer provided the Council with a brief review of the year-end report for the Coast Guard's Fishery Training Center in Kodiak.

NMFS Enforcement Report

Jeff Passer provided the 2005 annual report of NMFS enforcement activities in the Alaska region. Mr. Passer provided statistics on resolved cases and noted areas of concern, particularly electronic reporting problems, and possible highgrading in the crab fisheries. Council members were concerned about the statistics with regard to Steller sea lion harassment cases and requested more details on those cases in April.

Alaska Dept. of Fish & Game Report

Herman Savikko provided a report on the status of State fisheries of Council interest for 2005 and activity since the last Council meeting. The Council also received a report from Allen Bingham on the State's reporting system for sport-caught species. Doug Vincent-Lang also advised the Council on the changes being made for the logbooks for 2006, specific to halibut, which will include mandatory logbooks submitted on a weekly basis. The agency is working on ways to improve enforcement and dockside verification.

The Council received a report on the recent joint Council/Board of Fish meeting to discuss the Board's proposal for a State water Pacific cod fishery in the Aleutian Islands west of 170° longitude. During the joint meeting the aspects of the fishery, including gear types and possible impacts on Steller sea lion protection measures and the how the three percent TAC allocation might affect other Council actions on

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Pacific cod allocation. The Board is scheduled to take action on the proposal February 23-24 in Ketchikan.

The Council also received a letter from the Board of Fish advising that the Board will be considering regulatory actions covered under the Council/Board joint operating agreement for the crab fisheries. The Council did not have any recommendations on the Board's anticipated actions outlined in its January 20, 2006 letter to the Council which fall under Category 2 measures of the agreement.

Protected Species Report

Critical Habitat – Right Whale. Kaja Brix, NMFS, reviewed progress on the designation of critical habitat for the northern right whale. A public hearing will be held March 2nd or 3rd, reopening the public comment period with the publication of the *Federal Register* notice of the hearing. The new comment period would end a few days after the March public hearing.

FMP-Level consultation on groundfish fishery management plans. Council members were provided with a potential timeline for the consultation and related Council activities. Staff advised that the potential consultation for an exempted fishing permit should not delay the proposed timeline on the FMP-level consultation.

Shell Oil Presentation

Mr. Greg Nagy provided information to the Council on a 5-year leasing plan for the North Aleutian Basis, inviting the Council to provide comments during the public comment period. Chair Madsen indicated that when the EIS is available, the Council will review it and determine whether to comment.

IPHC Report

Bruce Leaman provided a report of the IPHC's annual meeting and plans for improving estimates of halibut abundance, particularly in the Bering Sea. In addition to coordinating with the NMFS trawl survey, this summer the IPHC will be creating an entirely new longline survey of the Eastern Bering Sea shelf involving a hundred stations covering approximately 150,000 square miles.

FORMAT FOR COUNCIL MEETING MINUTES FOR 'C' AND 'D' AGENDA ITEMS

Each agenda item will begin with a copy of the original "Action Memo" from the Council meeting notebook. This will provide an "historical" background leading to any discussion and/or action. This section will be set in a different typeface and size than the actual minutes. Any attachments referred to in the Action Memo will not be included in the minutes, but will be part of the meeting record and available from the Council office on request. Following the Action Memo will be reports of the Scientific and Statistical Committee and Advisory Panel on the subject. Last will be a section describing Council **Discussion and Action**, if any.

C. NEW OR CONTINUING BUSINESS

C-1 IR/IU—BSAI Amendment 80

ACTION REQUIRED

a) Final action on Amendment 80 EA/RIR/IRFA

BACKGROUND

Amendment 80 proposes to allocate rock sole, flathead sole, yellowfin sole, Al Pacific ocean perch, and Atka mackerel to the Non-AFA Trawl catcher processor sector. In addition, the proposed action would allocate PSC limits to the sector for use in their BSAI directed fisheries. The proposed action would establish a cooperative program for qualified Non-AFA Trawl catcher processor participants. To maintain existing fishing activity among non-allocated species in the BSAI and the GOA, sideboards are included in the proposed action. Finally, Amendment 80 includes options for increasing the CDQ program allocation of the five species noted above, secondary species taken incidental in these fisheries, and PSC limits.

In October 2005, the Council conducted a initial review of the EA/RIR/IRFA and selected a preliminary preferred alternative, noting that the alternative was still overly broad in many areas and needed further narrowing during final action. Staff has updated the EA/RIR/IRFA to reflect the inclusion of the preliminary preferred alternative and updated sections of the analysis the Council highlighted as needing additional information. The revised EA/RIR/IRFA for Amendment 80 was released for public review on January 13. A copy of this analysis was mailed to you at that time. The executive summary of this analysis is attached as Item C-1(a). In addition, a copy of the current alternatives, components, and options for Amendment 80 is attached as Item C-1(b). The Council is scheduled to take final action at this meeting.

The following bullets highlight issues of Amendment 80 that may need further clarification from the Council prior to final action:

- The problem statement may not fully address all issues proposed in this amendment package. In June 2005, the Council added the option of including eligibility criteria for trawl catcher vessels to operate in the limited access fishery for the allocated species. In October 2005, the Council selected in the preliminary preferred alternative to require trawl catcher vessels to have landed at least 150 mt of any groundfish species from 1995-2004 to be eligible to participate in any BSAI limited access fishery for the five allocated species. The effect of this proposed action would be to exclude 8 licenses from these fisheries. In addition, the problem statement may not fully address the proposed increase in CDQ allocations of the allocated species, all secondary species caught incidental in these directed fisheries, and PSC. The Council may want to revise the problem statement to reflect these proposed actions.
- One of the proposed options in Amendment 80 is to allocate PSC limits to the Non-AFA Trawl CP sector for use in their directed fisheries in the BSAI. At the same time, Amendment 85 (BSAI Pacific cod allocation) proposes to allocate separate halibut PSC limits to all BSAI trawl sectors for use in the BSAI Pacific cod fishery. Given the timing of the two proposed actions and the obvious overlap of allocating halibut PSC between the trawl sectors, the Council should clarify how halibut PSC will be addressed in the two actions in order to eliminate language conflicts between the two motions. Attached as Item C-1(c) is a discussion paper detailing the interaction of the two proposed actions and how the Council might clarify the language in both actions.

- Amendment 80 includes options for harvest limits on Pacific cod in the BSAI. Simultaneously, the Council is working on the proposed Amendment 85 action, which would modify the current BSAI Pacific cod allocations to the various gear sectors, including an allocation to the Non-AFA Trawl CP sector. Once Amendment 85 is implemented, two changes could occur in the management of the sector's Pacific cod catch. First, the sideboard for Pacific cod would be removed, given that the sector would have an allocation of Pacific cod. Second, provided the Council clarifies its intent, the division of the sector sideboard between the cooperatives and the sector limited access fishery could be applied to the Amendment 85 Pacific cod allocation. This would simplify management of the allocation within the sector by continuing cooperative management of the cooperative allocations.
- The Council should clarify its intent on how entry into the cooperative program should be based. Currently, entry into the sector under the proposed action is vessel based. However, entry into the cooperatives under the proposed action is licensed based. The effect of these two different standards could create circumstances that are inconsistent with the "owner qualification" developed by the Capacity Reduction Program. As currently structured, a person qualified for the Non-AFA Trawl CP sector may be effectively precluded from fishing if the person does not have a cooperative endorsement and associated catch history to support an allocation to the sector's limited access fishery. The simplest and most direct method of establishing consistency would be to base cooperative eligibility on the Capacity Reduction Program eligibility criteria. If the Council wishes resolve the inconsistency and retain the current license based system for entry into a cooperative, the Council could modify their current action to base all qualification (including cooperative qualification) on vessel ownership. If the Council wishes to create incentives for participants to qualify for additional licenses for the program that meet a catch threshold, it could credit the licenses towards cooperative formation or credit the history from those licenses for distribution of the sector's allocation.

The Scientific and Statistical Committee did not address this agenda item.

Report of the Advisory Panel

The AP recommended the Council not take final action on Amendment 80 at this meeting. The AP noted the need to make progress on the package and recommended several specific refinements to the components of the preferred alternative. [Please see AP Minutes, Appendix II to these minutes for the entire set of recommendations.]

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively.]

With regard to the proposed data gathering component, Lauren Smoker, NOAA General Counsel, advised that the Council does have authority under 303(A)(5) to collect data pertinent to fishery management actions. The program specified in the crab rationalization program was specifically mandated by Congress and some aspects of that program would not apply here. However, it is the opinion of General Counsel that it would be within the Council's authority to require collection of the types of data specified under Amendment 80.

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The Council had also asked NOAA-GC to provide guidance on whether the Council has the authority to approve PSC allocation provisions in Amendment 80 in light of restrictions imposed by Congress under the moratorium on new IFQ programs. Ms. Smoker indicated that because the moratorium has been lifted, general authority to allocate is now back within the Council's purview, either under Section 313(g)(2) or Section 303(b)(6) of the MFCMA. She advised that the Council should identify which authority they are using making their decisions.

Earl Krygier provided a 12-page motion (see Appendix III to these minutes). The motion was seconded by Ed Rasmuson.

The following clarifications, amendments and edits were made to the motion:

- Clarified that the rollover provision applies only to non-Amendment 80 vessel limited access fishery, not the Amendment 80 limited access fishery. [Staff will clarify in the language of the analysis.]
- Component 6, Option 6.2: Revise the bolded, underline portion to read: **Any reduction in the non-AFA TRAWL catcher processor sector should not result in an increase in PSC allocation to any other sector.** (Clarification)
- Component 8: Amended to include an option of "or not later than November 1" to the original date of December 1. (Salveson/?) Carried without objection.
- Component 11, Option 11.3: Add a suboption: Grandfather provision for vessels that have historically harvested more than the use caps. (Tweit/Bundy) Carried without objection.
- Discussion regarding the AP language "third-party enforceability provisions." Staff clarified that the Advisory Panel's concern is that there would not be a mechanism to enforce violations in one cooperative by other cooperative members. Staff will explore options that may alleviate that concern.
- Component 12, Options 12.1 and 12.2: Each paragraph would begin "BSAI and GOA" sideboards; insert "Option 12.4" in front of section entitled "GOA sideboard provisions" which follows Option 12.3. (Salveson/Benson) Carried without objection.
- Clarified that the use of percentages in sideboard options will apply to both the Bering Sea and the Gulf of Alaska.
- Component 6, Suboption 6.1: Insert new suboption (6.1.4):

"Allocation of PSC to the non-AFA Trawl C/P sector shall be determined by that sector's percentage allocations of target species groups (contained in Component 3) multiplied by the trawl PSC amounts for those target species groups as set forth in the annual specifications.

"Sectoral PSC allocations will be calculated using a predetermined fixed target fishery bycatch rate, based on the 2002-2004 average consumption rates across the trawl sectors based on the lesser of the TAC or the previous year's catch, with initial allocations of the PSC to all trawl target fisheries adjusted pro rata such that their sum equals the overall trawl PSC allocation.

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The following maximum and minimum allowances shall apply to the initial PSC allocations: Non-AFA trawl catcher processors shall receive an allowance of not less than 2200 mt of halibut and not more than 2450 mt of halibut. Non-H&G trawl sector shall receive an allowance of not less than 950 mt of halibut and not more than 1200 mt of halibut. Minimum and maximum allowances of crab PSC for each sector may be selected within the range of alternatives identified in the January 2006 Amendment 80 analysis.” (Benson/?) Carried without objection.

- Component 6, add paragraph to new Suboption 6.1.4:

Any roll over of halibut PSC to the non-AFA Trawl C/P sector shall be discounted by 5%. That is, if 100 mt of halibut is available for roll over, then 95 mt of halibut would be reallocated to the non-AFA Trawl C/P sector. Once the initial allocation has been determined, the non-AFA Trawl C/P sector may reallocate the PSC among the target species.” (Salveson/?) Carried without objection.

- Component 13: Retain all struck-out language under Issue 4 relating to the threshold rollover suboption.(Tweit/Benson) Carried, 9 to 2, with Krygier and Rasmuson voting against.

- Under “Other Elements” section: Delete Option (b) under “Transfer of Cooperative Allocations Between Cooperatives.” (Salveson/Fuglvog) Carried without objection. Ms. Salveson noted that suboptions (a) and (b) are essentially the same, however option (b) indicates inter-cooperative agreements approved by NOAA Fisheries, and NOAA Fisheries has no authority to approve civil contracts.

- Under “Other Elements” section: Delete the “Scope of Cooperative Program” paragraph (noting that the remainder of that section was already deleted under the main motion). (Tweit/Salveson) Carried without objection.

- Under “Other Elements” section: Last paragraph of this section was re-worded, as follows:

“Council staff will work w/NOAA Fisheries staff on specific elements of the information collection of the socioeconomic data collection program and include it as an appendix to the analysis.” (Salveson/?) Carried without objection.

- Amend the motion to include Advisory Panel recommendation with regard to Atka mackerel and Aleutian Islands POP, as follows:

Establish two options – one to allocate these species equally by area, the other to allocate these species based on historical catch by area. Include in the analysis the use of an inter-cooperative agreement to address the daily catch restrictions of Atka mackerel in critical habitat without triggering SSL consultation. (Fuglvog/?) Carried without objection.

- Amend the Problem Statement: Accept the Advisory Panel’s changes, with the following exceptions: Add the phrase “and CDQ allocations” in meeting bycatch reduction objectives, and strike the underlined and bolded language “as well as increased CDQ allocation and the benefits associated with CDQ resources and bycatch management,” (Olson/Benson) Carried without objection

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The Council noted for the record that bycatch issues in this amendment will be addressed under authority of Section 303(b)(6) of the MFCMA.

The following motions were made, but failed:

- Component 6, Option 6.3: Delete ranges of percentages. (Tweit/?) Failed, 7-4, with Benson, Bundy, Hyder and Tweit in favor. Council discussion indicated these ranges are not needed in the analysis.
- Component 11, Option 11.3: Strike current language and insert "A harvest cap option to track Option 11.2, including its suboption. (Bundy/Benson) Failed, 8 to 3, with Benson, Bundy, Tweit in favor. [Motion would also change focus to an entity rather than a vessel.]

The final motion, as amended, carried without objection. A copy is included as Appendix III-2 to these minutes.

C-2 BSAI Crab Rationalization

ACTION REQUIRED

Final Action.

BACKGROUND

On March 2, 2005, the Secretary issued regulations to establish the Crab Rationalization Program (70 FR 10174). Crab fishing began under this Program on August 15, 2005. The program includes a system of arbitration to resolve disputes concerning the terms of delivery of landings of harvests made with Class A IFQ (which are required to be delivered to a processor holding unused IPQ).

Under the arbitration system, after a date certain, harvesters that are not affiliated with a processor through ownership or control linkages (unaffiliated harvesters) would be permitted to unilaterally commit delivery of harvests from Class A IFQ to a processor with available IPQ. Once committed, the IFQ holder would be permitted to initiate a binding arbitration proceeding if the parties are unable to agree to the terms of delivery. Under the current rule, arbitration must be initiated at least 15 days prior to a season opening.

Under the current schedule for stock assessments and TAC setting, IFQ and IPQ are typically not issued more than 15 days prior to a season opening, limiting the ability of IFQ holders to rely on the arbitration system. Although participants may voluntarily agree to extend the deadline for initiating arbitration, the current timeline does not reliably provide IFQ holders with the ability to use the arbitration system as intended. The proposed action would link the timing for initiating an arbitration proceeding to the issuance of IFQ and IPQ, providing participants with a reasonable and reliable opportunity to use the arbitration system.

The attached document [Item C-2(a)] contains a RIR/EA/IRFA of alternatives to amend the timing of certain elements of the arbitration system to resolve this administrative conflict, which prevents use of the arbitration system as intended. The Council has scheduled this item for final action at this meeting.

The Scientific and Statistical Committee did not address this agenda issue.

Report of the Advisory Panel

The Advisory Panel recommended the Council adopt Alternative 2.

COUNCIL DISCUSSION/ACTION

NOTE: Earl Krygier participated in this discussion for McKie Campbell.

Earl Krygier moved to approve Alternative 2:

The timing for share matching and initiation of binding arbitration would be based on the issuance of IFQ and IPQ (including a 5-day assessment period for negotiated commitments). For a period of 5 days after the issuance of IFQ and IPQ (the assessment period), holders of Class A IFQ and holders of IPQ could voluntarily agree to commit their respective shares. After this 5-day assessment period, holders of uncommitted Class A IFQ may unilaterally commit that IFQ to any holder of uncommitted IPQ. During the 10-day period beginning 5 days after the issuance of IFQ and IPQ, any holder of committed Class A IFQ may unilaterally initiate a binding arbitration proceeding with the IPQ holder to which the IFQ are committed. The parties to the arbitration will meet with the arbitrator to schedule the submission of information to the arbitrator and the terms and timing for submission of last best offers. The arbitrator is required to release the decision of the arbitration within 5 days of the submission of the last best offers.

The motion was seconded by Jeff Koenings and carried without objection.

It was noted for the record that the analysis supports this alternative and maintains the original intent of the program for arbitration.

C-3 BSAI Pacific Cod Allocations

ACTION REQUIRED

Review discussion paper on eligibility in the trawl catcher vessel sectors; action as necessary.

BACKGROUND

The Bering Sea and Aleutian Islands (BSAI) Pacific cod TAC has been apportioned among the different gear sectors since 1994 (trawl, fixed, and jig gear split), and a series of amendments have modified or continued the allocation system. Currently, Federal regulations at 50 CFR 679.20(a)(7) authorize distinct BSAI Pacific cod allocations for the following sectors (BSAI FMP Amendments 46 and 77):

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51% fixed gear:
(80% hook-and-line catcher processors)
(0.3% hook-and-line catcher vessels)
(3.3% pot catcher processors)
(15.0% pot catcher vessels)
(1.4% hook-and-line/pot vessels <60' LOA)

47% trawl gear:
(50% trawl catcher vessels)
(50% trawl catcher processors)

2% jig gear

In December 2004, the Council approved a draft problem statement and preliminary components and options for a new fishery management plan amendment (BSAI Amendment 85) to modify the current BSAI Pacific cod allocations to the various gear sectors. Upon review of staff discussion papers at each Council meeting since then, the Council further revised the components and options for analysis. At the October meeting, the Council approved a reorganization of the amendment package into NEPA alternatives for analysis and modified the problem statement.

Amendment 85 to the BSAI FMP currently focuses on two primary issues:

- 1) BSAI Pacific cod allocations to all gear sectors (trawl, jig, hook-and-line, and pot); and
- 2) apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas.

The problem statement guiding BSAI Amendment 85 is comprised of the following two parts:

BSAI FMP Amendment 85 Problem Statement

PART I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and the CDQ allocation was implemented in 1998. These allocations are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to the trawl, jig, fixed gear, and CDQ sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic and community factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

PART II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

Initial Council review of the draft analysis is schedule for this meeting. The Analysis was mailed to you on January 17.

Note that the analysis supporting BSAI FMP Amendment 85 and regulatory amendments for this action is tentatively scheduled for Council final action in April 2006, depending on availability of the remaining data needs and other Council priorities. This schedule is in part predicated on the need to have Council final action in April in order to increase the likelihood that a final rule would be implemented by January 1, 2007, should the Secretary of Commerce approve the action. The type of action under consideration would be very difficult for NOAA Fisheries to implement mid-year.

(a) Select a preliminary preferred alternative

With Council final action scheduled for April 2006, the Council may consider selecting a preliminary preferred alternative and associated options at this February meeting. While not necessary in order to take final action in April, selecting a preliminary preferred alternative may be beneficial to the public in terms of understanding more clearly the combination of components under consideration. Should a preliminary preferred alternative and options be identified in February, staff could re-package the public review draft to highlight the effects of such an alternative. While the effects of all alternatives are provided in the current analysis, it may be helpful to have a defined section identifying the potential effects of the preliminary preferred alternative prior to final action. In particular, there exist a myriad of potential options when

combining the options under Component 2 (allocations) with the options under Component 3 (seasonal apportionments). Identifying a preferred alternative would assist in narrowing the analysis of these and other components.

Report of the Scientific and Statistical Committee

The SSC noted some of the proposed actions reduce the catch shares of some participants while increasing the catch shares of other participants, whereas other proposed actions are intended to pre-allocate area-specific catch shares in anticipation of splitting the BSAI Pacific cod ABC and TAC into BS and AI components. The SSC recommended releasing the draft analysis for public review subject to several revisions. (See SSC Minutes, Appendix IV to these minutes, for the recommended revisions.)

Report of the Advisory Panel

The AP recommended the Council release the document for public review with the following additions/changes:

Alternative 2

Component 2

Sector catch data for the BSAI, BS, and AI 2004 and 2005 be included in the discussion of Component 2.

Component 3

Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A season for trawl gear. Provided that any reduction in the overall trawl allocation resulting from the options would first be applied in the C season and then in the B season for trawl gear. Any reallocation to fixed gear would be applied to the A season.

Any redistribution of trawl allocation In the B or C seasons will be made proportionally between the AFA CP, non-AFA CP, and AFA CV, non-AFA CV sectors based on their new allocation percentages.

In the event that this reallocation exceeds the 70/30 SSL seasonal apportionment, the Hook and Line Catcher Processors A season allocation will be adjusted as necessary by shifting A season allocation to the B season.

Delete suboptions 1 and 2.

Component 7

Adopt language recommended by staff regarding Options 7.1 and 7.2 on page 222 of the analysis.

Request that staff examine methods for allowing PSC savings in P. cod AFA CV sector to be used to harvest other groundfish species – specifically the YFS threshold fishery by AFA CV sector vessels.

The catch accounting for 2003 so that CV landings made by pot CPs are assigned to the CV sector in that year. The associated table in the analysis should include a caveat to this effect.

The catch accounting system should be modified such that future CV landings by pot CPs are counted against the pot CP sector.

Part 2

Add section 6.4 to the analysis based on the years 2002-2003.

COUNCIL DISCUSSION/ACTION

Arne Fuglvog moved to approve the recommendations of the Advisory Panel with the following changes:

- **Under Component 3, reformat and revise language to better reflect Council intent, particularly with respect to use of the words ‘reallocation’ and redistribution’. The last sentence of the first paragraph would be changed to reflect any ‘change of allocation. . .’ rather than ‘reallocation,’ and the last paragraph in this section would be changed to reflect any ‘reduction’ of trawl allocation, rather than ‘redistribution’.**
- **Delete second paragraph under Component 7. [Mr. Fuglvog thinks this issue should be addressed separately.]**

The motion was seconded by McKie Campbell.

Dave Benson moved to re-insert suboptions 1 and 2 under component 3. The motion was seconded and carried without objection. Mr. Benson noted he would rather see these options available for public comment at this time. Staff was advised to include these suboptions in the appropriate place in the analysis.

The main motion, as amended, carried without objection.

During discussion Council members requested that staff provide discussion of potential impacts of the split on halibut PSC usage in the harvest of cod. Ms. Kimball indicated that the SSC also suggested this and that she will try to provide that discussion in the next draft of the analysis. The Council discussed the possibility of splitting halibut PSC based on bycatch rates in each of the two subareas, but determined that this would be more appropriately addressed in the groundfish specifications process. Staff will try to provide some example scenarios for future Council discussion.

Arne Fuglvog moved to select Alternative 6 as the preliminary preferred alternative under Part 2. The motion was seconded by Eric Olson and carried without objection.

The Council also asked staff to include in the analysis a discussion relating to the different and/or unique reporting requirements between catcher vessels and catcher processors and enforceability of seasons between the sectors. Sue Salvesson indicated that NMFS will need to change the catch accounting system to designate a vessel as a CP or CV to work its harvest accordingly off an allocation. This will most likely require a regulatory change. It will become more clear when the analysis is revised to include this discussion.

It was also noted that the Council should take into consideration the prospect of a Pacific cod State water fishery and that the analysis should address this possibility.

C-4 GOA Groundfish Rationalization

ACTION REQUIRED

Review reformatted elements and options and refine alternatives

BACKGROUND

At its April 2003 meeting, the Council adopted a motion preliminarily defining alternatives for the rationalization of the Gulf of Alaska groundfish fisheries. Since that meeting, the Council has undertaken the process of refining the alternatives for analysis. At its December 2005 meeting, the Council tasked staff with reformatting the alternatives so that each sector is treated distinctively. This reformatting is intended to make the motion more accessible to stakeholders wishing to compare the alternatives and to facilitate further refinement of the alternatives by the Council. The reformatted elements and options were included in a Council mailing the week of the 23rd of January. At this meeting, the Council could review the reformatted elements and options, and if that reformatting is acceptable, continue process of refining the alternatives. In reviewing the reformatting, the Council should assess whether the division of the alternatives by sector is appropriate. For example, the reformatted alternatives separate trawl, fixed, and jig gear types for purposes of defining alternatives. The Council could elect to either consolidate sectors (such as low producing fixed gear vessels and jig gear vessels) or further divide sectors (such as separating longline and pot gear) if that arrangement is believed to be more appropriate for defining alternatives.

Key to reformatting

The reorganization of the motion is intended to serve two primary purposes. First, the motion is reorganized to allow comparison across alternatives. Second, the motion is reorganized to separate provisions that may differ across gear types to assist stakeholders in developing specific alternatives appropriate to the different gear types. To address both of these objectives, the reformatting is divided into three sections, with numbering appropriate to the section.

In general, the organization uses the following labeling. Provisions beginning with:

- G – apply to all alternatives and should (or could) be the same across all alternatives (i.e., provisions that define divisions among sectors)
- T – apply to all trawl gear alternatives and could be the same across all trawl alternatives (i.e., individual caps on use and holdings)
- F – apply to all fixed gear alternatives and could be the same across all fixed alternatives (i.e., individual caps on use and holdings)
- J – apply to all jig gear alternatives and could be the same across all jig alternatives

In addition, provisions specific to an alternative are included in a section devoted to that particular alternative. These provisions bear the following identifiers.

Trawl Alternatives

- T2A – IFQ/Cooperatives with Processor License Limitation
- T2B – IFQ/Cooperatives with Processor Linkages
- T2C – IFQ/Cooperatives with Harvest Share Allocations to Processors
- T3 – Cooperatives/Limited Access with Processor Associations

Fixed Gear Alternatives

- F2L – Low Producer – IFQ/Cooperatives
- F2HA – High Producer – IFQ/Cooperatives with Processor License Limitation
- F2HB – High Producer – IFQ/Cooperatives with Processor Linkages
- F2C – IFQ/Cooperatives with Harvest Share Allocations to Processors

F3L1 –Low Producer – Sector Allocation with Limited Access Fishery
F3L2 –Low Producer – Cooperatives/Limited Access
F3 – Cooperatives/Limited Access with Processor Associations

Jig Gear Alternatives

J2 – Open Access

J3A – Jig Sector Allocation

J3B – Cooperatives/Limited Access with Processor Associations (the motion is unclear concerning whether this alternative applies to the jig sector)

In addition to the alternatives listed here, the status quo (i.e., continued management under the LLP) would be analyzed for each sector.

Refining the elements and options

In addition to reviewing the reformatting, the Council could also continue the process of refining alternatives at this meeting. In the original reformatted elements and options, staff included discussion of the following provisions in the version of the elements and options attached:

G-10. Individual Allocations – Eligibility

G-17. Transferability - Vessel Type Restrictions

T-1 and F-1. Transferability – Leasing

T-2 and F-2. Share Use – Owner-on-board

T2A-7, T2B-7, F2HA-7, and F2HB-7. Harvest Share Allocations – A share/B share allocations

T2A-10 and F2HA-9. Processor License Qualifications

T2A-13 and F2HA-12. License ownership restrictions on processors

T2B-2 and F2HA-2. Cooperative formation

T2B-10 and F2HB-10. Linkage (Linkages apply by area)

T2B-15 and F2HB-15. License ownership restrictions on processors

T3-4 and F3-4. Cooperative Formation - Catcher Vessel Cooperatives and

T3-7 and F3-7. Catcher Vessel - Cooperative/processor associations

T3-9 and F3-9. Cooperative Formation - Catcher Processor Cooperatives

While several issues could be considered, these provisions might be ripe for decision without further analysis (including data analysis). If the Council would like further analyses concerning these or other issues, staff could also receive additional direction at this time.

The Scientific and Statistical Committee did not address this agenda issue.

Report of the Advisory Panel

The Advisory Panel provided a revised 35-page document showing recommended changes, and additions and deletions to the current suite of options. Please see the AP Minutes, Appendix II to these minutes for those recommendations.

[NOTE: Mr. Tweit participated in this discussion for Jeff Koenings; Mr. Fuglvog was not in attendance.]

McKie Campbell offered a revised problem statement (see Appendix V-1 to these minutes). The motion was seconded by Dave Benson and carried without objection. Mr. Campbell noted that the minor revisions better reflect Council intent for the rationalization of Gulf of Alaska groundfish fisheries.

McKie Campbell offered a statement of intent for Alternative 3 (see Appendix V-2 to these minutes). The motion was seconded.

Sue Salveson moved to amend to revise the underlined and bolded statement in the second-to-last paragraph, to substitute the word ‘transfer’ for the word ‘auction’ in option (b). The motion was seconded by McKie Campbell and carried without objection.

McKie Campbell moved to approve the recommendations of the Advisory Panel, with changes (See Appendix V-3 to these minutes for the entire set of changes)

The motion was seconded and amended, as follows:

- **Sue Salveson moved to amend to remove Option 3 under Section G-11, but to include in the analysis a discussion of the catch history broken out between 3 and 200 miles, the 0-3 miles parallel fisheries landings, and the 0-3 miles State-managed fishery histories, for comparison purposes.** The motion was seconded by McKie Campbell and carried without objection. [NOAA General Counsel Lisa Lindeman had recommended this option (Option 3) be deleted because it is not currently within the Council’s authority. She suggested that the public should not be led to believe that it is an option the Council could accomplish at this time.]

The Council discussed the statement of intent added under Section G-17, Transferability which would allow transfers by first degree of kindred. It was noted that this would need more definition and that staff will need to explore a legal definition for ‘first degree of kindred.’ Mr. Campbell stated that the State believes that this option is in the interest of public policy to promote stability within fisheries and promotes continuation of ownership of fishing vessels by members of the family who understand the management practices, safety issues, and conservations practices appropriate in the Gulf of Alaska. Additionally, it serves to minimize social disruption.

- **Bill Tweit moved to strike the intent language discussed above (in Section G-17, Alternative 3, Option 2).** The motion was seconded by Dave Benson and failed, 6-4, with Benson, Hyder, Tweit, and Salveson voting in favor.
- **Dave Benson moved to include a grandfather clause under Section T-1, Transferability: All initial issues (individuals and corporations) would be grandfathered as not being required to be aboard the vessel to fish shares initially issued as “owner on board” shares. This exception applies only to those initially issued quota shares.**

In cases of hardship (injury, medical incapacity, loss of vessel, etc.) a holder of “owner on board” quota shares may, upon documentation and approval, transfer/lease his or her shares for a maximum period of 3 years out of any 10-year period.

The motion was seconded and carried with one objection (Rasmuson (?))

- **Dave Benson moved to include the same ‘grandfather clause’ passed in the previous motion for the fixed gear sector, under Section F-1.** The motion was seconded and carried without objection.

The main motion, as amended, carried without objection. Amended motions on the Alternative 3 intent language and revised options and elements are included in Appendix V-4 to these minutes.

During discussion, Council members asked staff to address the following:

- Guidance and information on the reauthorization of the MSFCMA and effects some of the proposed changes might have on the current rationalization process the Council is addressing.
- The issue of anti-trust concerns (NOAA GC will research and advise Council). The Council stressed that its intent is to comply with those laws, not seek changes in them.
- Provide a critical path analysis—what has to be done and the sequence in which tasks have to be done. It was suggested that separate paths should be done showing progress with and without the resolution of the State parallel fishery issue. Mr. Campbell noted that several of the options the State is proposing will not require legislation and he does not think two separate paths are needed.
- Mr. Bundy referenced public comments relating to a previous staff analysis or discussion paper on impacts of the various elements and options, and asked if staff could update that document and provide it to the Council. Dr. Fina indicated that staff will look at beginning to update the discussion paper.
- Ms. Lindeman advised that the Council needs to address the recency issue as the analysis progresses in order to demonstrate that recent participation was taken into consideration before making final decisions.

C-5 Observer Program

ACTION REQUIRED

- a) Initial review of analysis to restructure the funding and deployment mechanism in the North Pacific Groundfish Observer Program (BSAI Am. 86/GOA Am. 76)
- b) Review of Observer Advisory Committee (OAC) report

BACKGROUND

- a) Initial review of analysis to restructure the funding and deployment mechanism in the North Pacific Groundfish Observer Program

NOAA letter

As part of the review of the analysis to restructure the North Pacific Groundfish Observer Program (observer program), NOAA Fisheries will present a letter (Item C-5(a)(1)) regarding observer compensation issues and the status of observers with regard to the requirements for overtime pay under the Fair Labor Standards Act (FLSA) and the Service Contract Act (SCA). This issue was brought to the forefront in a memo from Dr. Bill Hogarth in November 2003, which stated that NMFS maintains that fisheries observers are biological technicians and therefore eligible for overtime compensation under the FLSA. NMFS recently reaffirmed its position that observers employed by companies which contract directly with the agency or use Federal funds for provision of observer services must apply FLSA and SCA criteria to determine observer compensation requirements.

The NOAA letter outlines the ongoing concerns with not being able to provide a definitive assessment of observer costs under a new service delivery model. Costs may not be possible to assess until actual contracts between NOAA and observer providers are finalized. In addition, NOAA has not yet received a response from the Department of Labor on its request for clarification of the applicability of several FLSA provisions. The NOAA letter also outlines the

type of increased costs expected under any alternative other than status quo, as well as the need to ensure that funds are available to cover costs associated with oversight and management of a flexible, effective observer program. The existing observer program expires on December 31, 2007. NMFS recommends that during the time period in which uncertainties remain unresolved, the Council should consider selecting Alternative 2 (*indefinite extension of the existing observer program*) as the preferred approach under the current analysis.

Review of analysis to restructure the Observer Program

The Council has been working for several years to develop a new system for observer funding and deployment in the observer program. Under the new system, NMFS would contract directly with observer providers for observer coverage, and this would be supported by a broad-based user fee and/or direct Federal funding. The problem statement guiding the amendment identifies data quality and disproportionate cost issues resulting from the current program structure, in which vessels and processors contract directly with observer providers to meet coverage requirements fixed in regulation. Concerns with the existing program arise from the inability of NMFS to determine when and where observers should be deployed, inflexible coverage levels established in regulation, disproportionate cost issues among the various fishing fleets, and the difficulty to respond to evolving data and management needs in individual fisheries.

The proposed amendment (BSAI Amendment 86/GOA Amendment 76) is thus intended to address a variety of longstanding issues associated with the existing system of observer procurement and deployment. The Council's Observer Advisory Committee (OAC) drafted a problem statement to guide the amendment, which is provided in the Executive Summary of the analysis (attached as Item C-5(a)(2)).

The existing Observer Program, in place since 1990, establishes coverage levels for most vessels and processors based on vessel length and amount of groundfish processed, respectively. In designing the original program, the Council had limited options because the MSA did not provide authority to charge industry fees to pay for the cost of observers, and no Federal funds were provided. Because of the critical need for observers and the data they provide, the Council and NMFS proceeded with the Observer Program regulations (Amendments 13/18) that are largely unchanged today. These regulations were considered 'interim' at the time of implementation, as NMFS and the Council began to develop a new program (Research Plan) which would require all participants in the fisheries to pay a fee based on ex-vessel revenue from their catch, with NMFS contracting directly with the observer providers. Collection of the fee under the Research Plan was authorized by an amendment to the MSA (Section 313(b)(2)). The Council adopted this plan in 1992 and NMFS implemented the program in 1994. However, due to several concerns primarily related to observer costs to industry, the Council voted to repeal the program in 1995. The 1990 interim regulations continue to authorize the existing Observer Program today. These regulations have been extended several times, with the most recent amendment extending the program until December 31, 2007.

The alternatives under consideration in this amendment were developed through several Council and OAC meetings. In June 2005, the Council consolidated its suite of alternatives in order to eliminate redundancy between alternatives and better focus the analysis on the major policy issues facing the Council and NOAA Fisheries in developing a new groundfish observer program for the North Pacific. The Council approved the current suite of five alternatives in June 2005, and this is the first time the Council has reviewed an analysis of the revised alternatives. The proposed alternatives are as follows:

Alternative 1. **No action alternative.** Under this alternative, the current interim "pay-as-you-go" program would continue to be the only system under which groundfish observers would be provided in the groundfish fisheries of the BSAI and GOA. Regulations

authorizing the current program expire at the end of 2007, meaning that no action is not a viable alternative over the long-term.

- Alternative 2. **Extension of the existing program.** Under this alternative, the 2007 sunset date for the existing program would be removed and the program would be extended indefinitely with no changes to the service delivery model. By selecting this alternative, the Council would be deciding not to develop a new service delivery model and fee system to restructure the program.
- Alternative 3. **GOA-based alternative. Restructured program for GOA groundfish and all halibut fisheries.** A new ex-vessel value fee program would be established to fund coverage for GOA groundfish vessels and processors, and halibut vessels operating throughout Alaska. Regulations that divide the fleet into 0%, 30%, and 100% coverage categories would no longer apply to vessels and processors in the GOA. Fishermen and processors would no longer be responsible for obtaining their own observer coverage. NMFS would determine when and where to deploy observers based on data collection and monitoring needs, and would contract directly for observers using fee proceeds and/or direct Federal funding. Vessels would only be required to carry an observer when one is provided by NMFS. Under this alternative, all groundfish vessels and processors in the BSAI would continue to operate under the current "pay-as-you-go" system.
- Alternative 4. **Coverage-based alternative. Restructured program for all fisheries with coverage less than 100% (Tiers 3 and 4).** This alternative differs from Alternative 3 in that the program would be defined by coverage categories rather than geographic area. All vessels and processors assigned to Tiers 3 and 4 (i.e. that require less than 100% coverage) would participate in the new program throughout Alaska. Generally speaking this alternative would apply to all halibut vessels, all groundfish catcher vessels <125' LOA and all non-AFA shoreside processors. All vessels and processors assigned to Tiers 1 and 2 (100% or greater coverage) would continue to operate under the current "pay-as-you-go" system throughout Alaska.
- Alternative 5. **Comprehensive alternative. Restructured program for all groundfish and halibut fisheries off Alaska.** This alternative would establish a new fee-based groundfish observer program in which NMFS has a direct contract with observer providers for all GOA and BSAI groundfish and halibut vessels in the Federal fisheries. Under this alternative, vessels with 100% or greater coverage requirements would pay a daily observer fee and vessels with coverage requirements less than 100% would pay an ex-vessel value based fee. . The February 2006 Council meeting represents the first time the Council has been presented a draft analysis using the recently revised suite of alternatives and options.

The Council's action at this February meeting is to review the initial review draft of the analysis. The executive summary of the draft analysis, which includes the suite of alternatives and a list of primary decision points, is attached as Item C-5(a)(2). The analysis was sent to you on January 24. Final action is tentatively scheduled for the April 2006 Council meeting.

b) Review of Observer Advisory Committee report

At the Council's request, the OAC met to review the draft analysis on January 30 - 31 at the Alaska Fisheries Science Center in Seattle. Because of the timing of the OAC meeting, the report will be provided at the Council meeting.

Report of the Scientific and Statistical Committee

Because of the numerous difficulties cited by NOAA Fisheries with three out of the five current alternatives, and its recommendation to select Alternative 2 (extend the current program) at this time, the SSC recommended that the Council accept that recommendation, but that the analysis of the other alternatives continue on a slower track so the Council may be in position to take action when current obstacles to implementation are resolved. The SSC noted that should the Council accept NOAA's recommendation, the problem statement will need to be revised as Alternatives 1 and 2 do not address the current one.

The SSC strongly recommended that this continue to be a priority issue and should be dealt with once the funding uncertainties are resolved. Please see the SSC Minutes, Appendix IV to these minutes, for additional comments and editorial comments on the analysis.

Report of the Advisory Panel

The Advisory Panel recommended the following revised language for Alternative 2:

1. Under this alternative, the 2007 sunset date for the existing program would be removed.
2. Alternative 2 would be identified as the preferred alternative. The AP noted that Alternative 2 is not responsive to the problem statement.
3. The AP recommends that due to a continued need to restructure the observer program, a new amendment package modifying alternative 2 be identified. The focus of the new amendment package would be the Council's request to NMFS to construct an intra-agency process for developing use protocols for video monitoring equipment and recommendations for the implementation of video monitoring equipment in the Alternative 2 service delivery model.
4. The AP recommends that a new amendment proposing restructuring alternatives for the Observer Program should be considered by the Council at such time that: 1) legislative authority is established for fee-based alternatives; 2) the FLSA issues are clarified (by statute, regulation, or guidance) such that it is possible to estimate costs associated with the fee-based alternatives; and/or 3) the Council requests reconsideration in response to changes in conditions that cannot be anticipated at this time. Subsequent amendment packages regarding the Observer Program should include an option for the Federal funding of observers.

COUNCIL DISCUSSION/ACTION

[NOTE: Earl Krygier participated in this discussion for McKie Campbell; Arne Fuglvog was not in attendance.]

Sue Salveson moved the following:

Add to the problem statement on page 7 of the analysis:

While the Council continues to recognize the issues in the problem statement above, existing obstacles prevent a comprehensive analysis of potential costs. Immediate Council action on a restructured program is not possible until information is forthcoming that includes clarification of cost issues that arise from Fair Labor Standards Act and Service

Contract Act requirements and statutory authority for a comprehensive cost recovery program. During the interim period, the Council must take action to prevent the expiration of the existing program on December 31, 2007.

Additionally, Ms. Salveson moved the recommendations of the Advisory Panel, with the following revision to item 3 of the AP motion:

- 3. The Council requests that NMFS prepare a discussion paper on issues and internal agency process for the use of video equipment to complement and augment observer monitoring of the North Pacific groundfish fisheries under Alternative 2. Other ongoing issues that may be considered by the Council under the current service delivery model also should be identified.**

The motion was seconded and carried without objection.

Ms. Salveson noted that the Agency and the Advisory Panel have recommended Alternative 2 as an interim measure until information is available to complete the analysis and there is a better understanding of costs so the Council will be in a position to make decisions on the appropriate funding approach for a restructured observer program.

With regard to the revision to the AP recommendation regarding initiation of a new alternative to develop use protocols for video monitoring equipment, Ms. Salveson felt that a discussion paper would be more appropriate at this point in time rather than initiating a full analysis.

The Council indicated that a final decision on the rollover of the current program needs to be made as soon as possible in order to have the program continue without interruption.

C-6 Halibut GHL

ACTION REQUIRED

- a) Initial review of analysis to implement measures to reduce charter halibut harvests in Areas 2C and 3A
- b) Review GHL Committee report

BACKGROUND

Review of analysis to implement GHL measures

In October 2005, the Council initiated an analysis to reduce halibut charter harvests below the GHLs, as 2004 Alaska Department of Fish and Game (ADF&G) Sport Fish Division data indicated that the GHLs had been exceeded by 22 percent in Area 2C and less than 1 percent in Area 3A. Three alternative actions were evaluated for each area (see below). The analysis was distributed to the Council on January 13, 2006. The executive summary is provided under Item C-6(a). Final action is scheduled for April 2006. Implementation would occur prior to the 2007 charter fishing season, if approved by the Secretary.

For Area 2C:

Alternative 1. No action

Alternative 2. Limit vessels to one trip per day, prohibit harvest by skipper and crew, and set an annual catch limit of six fish for individual clients.

Alternative 3. Limit vessels to one trip per day, prohibit harvest by skipper and crew, and set an annual catch limit of five fish for individual clients.

For Area 3A:

Alternative 1. No action

Alternative 2. Limit vessels to one trip per day.

Alternative 3. Limit vessels to one trip per day and prohibit harvest by skipper and crew.

GHL Committee

In October 2005, the Council announced it would appoint a new GHL Committee. The committee was charged with recommending possible GHL amendments that would, if adopted: (1) link GHL to abundance; (2) divide Areas 2C & 3A GHLs into sub-regions; (3) consider moratorium on new entrants. The committee was requested also to comment on a valid reporting system and comment on the initial review draft of the analysis to implement GHL management measures (described above). The committee met on February 1 and 2, 2006. Because of the timing of the meeting, the report will be provided at the Council meeting.

Report of the Scientific and Statistical Committee

The SSC noted that the current Council approach to management of the charter-based sport fishery for halibut presents a clear example of the types of problems that can emerge when there are substantial temporal delays between prosecution of the fishery, generation of data on the magnitude of removals, and tweaking of management measures intended to influence the magnitude of future removals. The SSC remarked the inclusion of halibut in the charter logbook program in 2006 could serve as an instrument for more timely assessment of charter-based catches of halibut.

The SSC provided staff with several issues that should be addressed in the draft analysis before it is released for public review. Please see the SSC Minutes, Appendix IV to these minutes, for those recommendations.

Report of the Advisory Panel

The AP recommended the Council send out the analysis for public review with the following revisions:

Enhance the analysis of the economic effects of the alternatives on the commercial sector, charter boat sector and support services within coastal communities. As well, the analysis should note the impact of the GHL overages, the potential impact if GHL control measures prove to be inadequate, and the potential benefits of adequate GHL measures.

Clarify that the Council may select any or all of the measures in the alternatives (i.e., the measures are not a “package deal” within the alternatives);

Add the option of using the 5-year average weight for calculating charter harvests.

As well, the AP recommends that the Council consider, as part of the GHL amendment package, sending a letter to the IPHC that would request the creation of a separate accountability system for guided sport and commercial harvests of halibut. This would remove the guided sport harvest from the “other

removals” line item in the IPHC calculation, and apply the GHL allocation directly to the net CEY of each area. The AP believes that the alternatives for keeping the guided sport halibut catch within the GHL and the process used to account for that catch are linked and need to be decided concurrently at final action.

The AP recommends that the Council initiate a new amendment package to address regulatory issues associated with the Charter halibut harvest. The package may include additional elements and options as recommended by the Stakeholder committee but at a minimum should include the following:

1. A list of options for implementation of a moratorium on new entrants into the charter halibut fishery with a December 9, 2005 control date and with consideration of communities that may not have mature charter halibut businesses or histories.
2. A list of options to subdivide current halibut management areas 2C and 3A into sub-regions for halibut charter management purposes.
3. A list of options for linking the GHL to the annual IPHC harvest level for each management area—the so called stair stepping options that would change the GHL up and down as TAC changes.

COUNCIL DISCUSSION/ACTION

Arne Fuglvog moved to adopt a new problem statement:

Harvest by the guided sport halibut sector has exceeded the Guideline Harvest Level (GHL) recommended by the NPFMC and established by the Secretary of Commerce. The NPFMC adopted the GHL to address the open-ended reallocation of halibut from the commercial to the guided sport sector and to provide a measure of stability to the halibut industry and coastal communities while the NPFMC develops a long-term plan for the guided sport (GS) sector. Designing management measures to maintain stability and prevent the GS sector from exceeding the GHL during this interim period is the responsibility of the NPFMC.

The motion was seconded by McKie Campbell and carried without objection.

Arne Fuglvog moved to approve the first portion of the Advisory Panel recommendations:

Enhance the analysis of the economic effects of the alternatives on the commercial sector, charter boat sector and support services within coastal communities. As well, the analysis should note the impact of the GHL overages, the potential impact if GHL control measures prove to be inadequate, and the potential benefits of adequate GHL measures.

Clarify that the Council may select any or all of the measures in the alternatives (i.e., the measures are not a “package deal” within the alternatives);

Add the option of using the 5-year average weight for calculating charter harvests.

As well, the AP recommends that the Council consider, as part of the GHL amendment package, sending a letter to the IPHC that would request the creation of a separate accountability system for guided sport and commercial harvests of halibut. This would remove the guided sport harvest from the “other removals” line item in the IPHC calculation, and apply the GHL allocation directly to the net CEY of each area. The AP believes that the alternatives for keeping the guided

sport halibut catch within the GHL and the process used to account for that catch are linked and need to be decided concurrently at final action.

The motion was seconded by McKie Campbell.

Mr. Fuglvog advised that the intent, with regard to the portion of the motion addressing accountability, would be to include discussion in the analysis of the separate accountability alternative to give the public an opportunity to evaluate and comment on it. In April the Council would then have the opportunity to discuss the issue and consider action. Mr. Fuglvog also asked that staff address the comments of the SSC to the extent possible without delaying the public comment period.

McKie Campbell moved to amend the motion to include the following statement:

The Council expresses its support for the State of Alaska, NMFS, and the IPHC to continue to explore options for the State of Alaska to manage regulation of methods and means of the guided sport fishery within allocations set by the IPHC and the NPFMC reporting back to the Council in April.

The motion was seconded by Mr. Fuglvog and carried without objection. The main motion, as amended carried without objection.

Mr. Campbell's original intent was that this statement be included in a letter to the IPHC and/or NMFS. But, after discussion it was determined that IPHC and NMFS staff were present and aware of the Council's intent and that a letter would not be necessary. Lisa Lindeman noted that NOAA General Counsell is reviewing legal issues associated with State management and will continue with those efforts.

Arne Fuglvog moved to approve the remainder of the Advisory Panel recommendations:

Initiate a new amendment package to address regulatory issues associated with the charter halibut harvest. The package may include additional elements and options as recommended by the Stakeholder committee but at a minimum should include the following:

- 1. A list of options for implementation of a moratorium on new entrants into the charter halibut fishery with a December 9, 2005 control date and with consideration of communities that may not have mature charter halibut businesses or histories.**
- 2. A list of options to subdivide current halibut management areas 2C and 3A into sub-regions for halibut charter management purposes.**
- 3. A list of options for linking the GHL to the annual IPHC harvest level for each management area—the so called stair stepping options that would change the GHL up and down as TAC changes.**

The motion was seconded.

McKie Campbell moved to amend item # 3 of the motion, to read as follows:

“A list of options for linking the GHL to the annual IPHC harvest level for each management areas, either by making the GHL a fixed percentage of GHL, or through the stair stepping options that would change the GHL up and down as the TAC changes.”

The motion was seconded by Arne Fuglvog and carried without objection. The main motion, as amended, carried without objection.

C-7 American Fisheries Act

ACTION REQUIRED

Review AFA cooperative agreements and end of year cooperative reports

BACKGROUND

Each year the AFA pollock fishery cooperatives are required to submit year-end reports summarizing their fishing activities from the preceding year. They are also required to submit cooperative agreements for the upcoming fishing year (we have interpreted this requirement such that the cooperatives submit information only if and to what degree such agreements have been modified from existing agreements). Due to the volume of these materials, a few copies of the complete reports will be made available at the meeting, and full copies are available from our offices. Co-op representatives will provide a joint, summary report to the Council at this meeting

Neither the **Scientific and Statistical Committee** nor the **Advisory Panel** received these reports or discussed this issue.

COUNCIL DISCUSSION/ACTION

John Gruver and Brent Paine provided the Council with an overview of the pollock cooperative year-end reports for the catcher vessel sector. Paul MacGregor provide the overview of the Hi-Seas Cooperative and catcher-processor year-end reports.

This was an informational item and no Council action was required.

D. FISHERY MANAGEMENT PLANS

D-1(a-b) Chiniak Gully Experiment/EFP for AI pollock Hydroacoustic Assessment

ACTION REQUIRED

- (a) Initial and final review of EA/RIR/IRFA for Chiniak/Barnabas pollock depletion study and take action as appropriate
- (b) Review proposed Exempted Fishing Permit for pollock survey/fishery in Aleutian Islands and take action as appropriate

BACKGROUND

A. Chiniak Gully Closure

At its December 2005 meeting, the Council received a report from NMFS on a regulatory proposal to continue a closure of trawl fishing in Chiniak Gully near Kodiak for a continuing experiment on effects of fishing on Steller sea lions. The closure in Chiniak Gully would provide a control area to evaluate localized depletion hypothesis for the pollock trawl fishery. The closure would occur from August 1 through September 20 for the years 2006 through 2010. This continued research is part of the fishery interaction studies conducted by NMFS to evaluate fishery effects on Steller sea lions.

NMFS has prepared a draft EA/RIR/IRFA on the continuation of this experiment; this analysis was sent out previously in a Council mailing (a summary of the analysis and a map of the area is Item D-1(a)(1)). The Council is scheduled to do an initial and final review of the proposed continued closure of Chiniak Gully to trawling during the period specified and to take action as appropriate.

B. Exempted Fishing Permit for Pollock Survey and Fishery in Aleutian Islands

NMFS has received a request from the Aleut Enterprise Corporation for an exempted fishing permit (EFP) to allow trawling for pollock in certain areas of critical habitat for Steller sea lions in the Aleutian Islands. The experimental design is to test the feasibility of using commercial fishing vessels for acoustic surveys of pollock in the Aleutian Islands. The project has been developed in cooperation with the Alaska Fisheries Science Center. A description of the proposed experimental fishery is in the attached Federal Register notice (Item D-1(b)(1)).

NMFS has prepared an Environmental Assessment of the proposed fishery experiment (Item D-1(b)(2)) which will be presented to the Council. NMFS staff will be available to answer questions. The Council is scheduled to review the application for the EFP and the EA and take action as appropriate.

Report of the Scientific and Statistical Committee

Chiniak Gully Experiment. The SSC noted that the main impact of the proposed action would be a relatively minor redistribution of trawl fishing effort on the east side of Kodiak Island. The SSC recommended the release of the analyses for public review, with some minor changes (see SSC Minutes, Appendix IV to these minutes for those recommendations).

Review of Proposed EFP for an Aleutian Islands Pollock Survey

The SSC noted that because written materials were not provided in advance a thorough review of the proposed research and draft EA was not possible. Nevertheless, the SSC is supportive of the proposed research and the EFP required for conducting it.

Report of the Advisory Panel

The Advisory Panel recommended approval of both the Chiniak Gully Experiment and the EFP for the Aleutian Islands pollock survey.

Report of the Enforcement Committee

The Enforcement Committee received a presentation on the Chiniak Gully experiment and recommended Council approval.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively. Mr. Fuglvog was not present.]

In response to a question regarding the Council's role in approving exempted fishing permits, Sue Salvesson noted that although the Council's role is advisory, NMFS would probably not proceed if the Council expressed serious concerns or opposition.

Chiniak Gully Experiment

Ed Rasmuson moved to recommend approval of the experiment. The motion was seconded and carried without objection. During discussion, the Council requested that NMFS reopen the areas as soon as possible when work is completed each year, or in years when research will not be conducted.

AI Pollock EFP

There was some Council concern that staff resources to expedite a consultation on this particular issue may delay staff work on the FMP-level consultation and biological opinion. Ms. Salvesson advised that an actual biological opinion on the EFP has not yet been initiated, but the Agency is optimistic that such an opinion will determine that the project can be undertaken without compensatory fishery actions for Steller sea lion protection. She also noted that it is not believed that the FMP-level consultation process will be negatively impacted by staff work on this issue.

Ed Rasmuson moved to recommend that the EFP be approved. The motion was seconded by Eric Olson and carried with two objections (Bundy/Madsen).

[NOTE: The remaining D-1 agenda issues (D-1(c), (d), and (e)) were specific to the Scientific and Statistical Committee. Please see the SSC Minutes, Appendix IV to these minutes, for reports on those issues.]

D-2 Research Priorities

ACTION REQUIRED

Review research priorities

Revised research priorities have been prepared by the Plan Teams for groundfish (Item D-2(a)), crab (Item D-2(b)), and scallops (Item D-2(c)). The last time the SSC made a comprehensive review of research priorities was in April, 2003 (attached as Item D-2(d)). Research priorities for fish and invertebrates identified in the Nora's science plan are attached as Item D-2(e). After receiving comments from NMFS and the SSC at this meeting, the Council will forward the updated research priorities to NOAA for use in preparing its annual budget, as well as to the North Pacific Research Board.

Report of the Scientific and Statistical Committee

The SSC appointed a working group to draft an updated list of research priorities to be considered by the full SSC in April.

The **Advisory Panel** did not address this agenda issue.

COUNCIL DISCUSSION/ACTION

The Council did not take any action on this issue, pending the report of the SSC in April. The Council discussed the use of graduate students to focus on specific areas of research. Several Council members thought this idea had merit and suggested that perhaps the Council should take a more active role in initiating research projects. CDR Cerne noted that he tasks Coast Guard students with research and offered help with any appropriate research the Council might want to consider.

D-3 Staff Tasking

ACTION REQUIRED

- Review tasking and committees and provide direction
- Discuss alternatives to change MRA for the non-AFA CP fleet

BACKGROUND

(a) Review tasking and committees and provide direction

The list of Council committees is attached as Item D-3(a)(1). Item D-3(a)(2) is the three meeting outlook, and Item D-3(a)(3) and Item D-3(a)(4) are the summary of current projects, timelines, and tasking. The Council may wish to discuss tasking priorities to address previously tasked projects that have not yet been initiated , and potential additions discussed at this meeting, given resources necessary to complete existing priority projects.

Since the last meeting, the Chair has named committee membership for new Halibut Charter Stakeholder Committee. Both the Steller Sea Lion Mitigation Committee and the Observer Committee are in the process of being reconstituted relative to the revised focus and task of each committee. The first meeting of the Steller Sea Lion Mitigation Committee is scheduled for February 15-16 at the Alaska Fisheries Science Center in Seattle. The Ecosystem Committee met earlier this week, and will likely have recommendations for the Council on how to best proceed with development of special management for the Aleutian Islands and progress on the Aleutian Islands Ecosystem Forum. The Council may wish to act on those recommendations at this meeting. The Enforcement Committee also met this week, and their recommendations will have been addressed during discussion of specific agenda items, or there may be additional items from their report to address under staff tasking.

In 2004, the Council developed a work plan to bring groundfish management in line with its revised management policy (adopted as part of the PGSEIS). This workplan is reviewed by the Council at each meeting as part of the staff tasking agenda item, and is posted on the Council's website. The workplan, updated to reflect the current status of each item, and its relationship to the management objectives, is attached as Item D-3(a)(5).

(b) Discuss Alternatives to change the MRA for the non-AFA CP fleet

In December, the Council reviewed a discussion paper on changing the maximum retainable allowance (MRA) enforcement period. The Council decided to postpone consideration of alternatives until the February meeting (tentatively), following final action on Amendment 80. For reference, the discussion paper is attached as Item D-3(b).

Neither the **Scientific and Statistical Committee** nor the **Advisory Panel** addressed this agenda issue.

COUNCIL DISCUSSION/ACTION

[NOTE: Mr. Tweit and Mr. Krygier participated in this discussion for Dr. Koenings and Mr. Campbell, respectively. Mr. Fuglvog was not in attendance.]

During Staff Tasking the Council received a report from the Ecosystem Committee on the following issues: (1) Ecosystem Forum in the Aleutian Islands, (2) Update on ecosystem committee efforts in other regions, and (3) the Aleutian Islands Fishery Ecosystem Plan. Staff pointed out that the Council cannot be involved in the ecosystem forum group and comply with the Federal Advisory Committee Act because it would involve a non-Federal group advising Federal agencies. Further information on this issue and possible ways of addressing it are found in the committee's minutes which are included as Appendix VI to these minutes.

Committees

Halibut Charter Stakeholder Committee: The Chair appointed the following members to the new committee, to be chaired by Dave Hanson: Robert Candopoulos, Ricky Gease, John Goodhand, Kathy Hanson, Dan Hull, Joe Kyle, Chaco Pearman, Seth Bone, Larry McQuarrie, Rex Murphy, Greg Sutter, and Kelly Helper. The Halibut GHL Committee will be inactive pending the work of this new committee.

The following changes/additions were made to committee assignments:

Council/Board Joint Protocol Committee: Eric Olson was appointed to fill the third Council seat.

IFQ Implementation: Tim Hinkel (Deep Sea Fishermen's Union) has been appointed to replace David Soma.

Non-Target Species Committee: Peggy Murphy (AMCC) and Dr. Ken Goldman (ADF&G) were appointed.

Observer Committee: The Observer Committee has been reconstituted, with the following appointments: Joe Kyle (Chair); Jerry Bongen, Julie Bonney, Rocky Caldero, Gillian Stoker, Thorn Smith, Bob Alverson, Tracy Mayhew, Paul MacGregor, Brent Paine, Kathy Robinson, Susan Robinson, and Pete Riss. Appointment of a representative of the under 60-ft vessel category is pending.

Steller Sea Lion Mitigation Committee: The committee has been reconstituted, with the following appointments: Larry Cotter (Chair), Jerry Bongen, Julie Bonney, Sam Cotten, Ed Dersham, Dustan Dickerson, Kevin Duffy, John Gauvin, John Henderschedt, Sue Hills, Terry Leitzell, Dave Little, Steve MacLean, Max Malavansky, Jr., and Art Nelson.

VMS

The Council received a report from the Enforcement Committee which requested the Council discuss modifying existing Alternative 2 in the VMS analysis, to include additional language to the last two sentences, as follows (new language italicized and underlined): "A transmitting VMS would also be required on any other commercial fishing vessel that operates in the EEZ with authorized fishing gear (other than hand troll gear, handline gear, or power troll gear) defined in 50 CFR 679.2 A vessel would be considered "operating" any time it is not in a port. If the vessel is in a port, the vessel would be

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considered “operating” during the landing or transshipment of fish or fish products.” Please see the Enforcement Committee Minutes, Appendix VII to these minutes, for additional comments.

Council members were reluctant to make changes to a previous action without advance notice to the public although NOAA General Counsel Lisa Lindeman indicated that it should not be a problem because the analysis will be going out for public comment at a later date. Mr. Hyder, Chair of the Enforcement Committee, indicated that the Committee would appreciate any indication of Council’s approval of the Committee taking the initiative to propose the change. Mr. Tweit indicated that he thought the proposed change would actually reduce the staff workload and if approved now would allow for a longer period of public involvement. CDR Cerne noted that the Enforcement Committee agenda noticed this issue and that Committee meetings are open to the public. He also noted that the main impetus in proposing the modification was to reduce the burden on staff for the analysis.

No action was taken on this issue.

List of Fisheries for 2006

The Council received information from staff that the proposed rule for the 2006 list of fisheries (required by the Marine Mammal Protection Act to categorize all U.S. commercial fisheries based on the level of serious injury or mortality to marine mammals) will be published soon, with a 30-day comment period. However, it is unknown whether this comment period will coincide with a Council meeting so that Council members can provide comments in a timely manner. Council members asked staff to review the list when published and, using previous Council comments, to prepare and submit comments on the 2006 list IF the public comment period does not overlap the April Council meeting. Ms. Salvesson advised that the NMFS-Alaska Region is proposing to Headquarters that in the future the Region have the opportunity to share their analyses for the annual List of Fisheries with the Council before submitting them to Headquarters so the Council will have an opportunity to review and provide comments before the proposed rule is published.

Board of Fishery Proposals/Comments

Council members agreed that the Executive Director should notify the Board of Fisheries of Council action on the exempted fishing permit for the study of pollock biomass in the Aleutian Islands near Adak and Atka. Mr. Hyder stated that he agrees that the Board should be advised of Council action, but should also be thanked for postponing action on their Proposal 399 and taking the time to meet with the Council on the proposal. Ms. Madsen said that she also thinks the Board should be advised of Council action on Amendment 85 and is moving forward with the potential of splitting the TAC. An additional item would be to advise the Board of the Enforcement Committee’s recommendation on the VMS requirement. Council concurred that staff should prepare a letter to the Board encompassing these points, as well providing a draft summary of the joint Board/Council meeting earlier in the month, and advising of the upcoming SSL Mitigation Committee meeting. Mr. Benson mentioned that the letter should also advise the Board that there were no public comments or concerns voiced regarding the proposed Norton Sound crab actions the Board plans to consider in March.

Other Issues Discussed

Eric Olson brought up a request made during public comments to include a analyze effects on communities of the 90/10 split and binding arbitration provisions of the Crab Rationalization program in the 18-month review of the program. Mr. Olson asked that the subject be put on the April agenda for discussion. It was pointed out that the program is scheduled for a thorough review after three years and

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that an earlier review of this issue would not allow adequate time to gather relevant information. Additionally, it was noted that there are community studies being conducted by outside contractors at this time which may be helpful in future Council discussions.

Ed Rasmuson brought up the concerns voiced by industry on the MRAs and how they would be handled under Amendment 80. Sue Salveson noted that in December NMFS provided a discussion paper on the applicability of MRAs within the context of Amendment 80. Within a cooperative environment, as under Amendment 80, MRAs would be moot. However, MRAs are still applicable to Amendment 80 vessels that choose not to join a cooperative, which could create a situation that would require those vessels to discard fish.

Bill Tweit moved to initiate an analysis to examine alternatives to change the MRA for the non-AFA catcher processor fleet. The motion was seconded by Ed Rasmuson and carried without objection. The intent would be to initiate the analysis for review in April, but NMFS may proceed according to staff availability. A progress report in April with some possible alternatives, but not a full analysis would suffice.

Ms. Salveson suggested that staff would need to provide the Council with the concept of MRA changes both before and after Amendment 80. If the Council takes action on Amendment 80 in April, she feels the two actions would need to proceed in parallel.

With regard to the April agenda, Chris Oliver pointed out that there are quite a few issues requiring lengthy Council review and/or action and asked for guidance on issues that might be delayed to the June meeting. After discussion, it was determined that the Executive Director should review the issues and provide Council members with a draft agenda for comments as soon as appropriate.

ADJOURNMENT

Council Chair Stephanie Madsen adjourned the meeting at approximately 2:24 p.m. on Tuesday, February 14, 2006.

NOTE: Minutes prepared by Helen Allen, A-Typical Office Support Services, under contract to the NPFMC.

MINUTES

175th Plenary Session
North Pacific Fishery Management Council
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DoubleTree Hotel- SeaTac
Seattle, Washington

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APPENDICES:

- I. Persons Giving Public Comment
- II. Draft Minutes of the Advisory Panel
- III-1. Council Motion - Amendment 80
- III-2. Amended Motion – Amendment 80
- IV. Draft Minutes of the Scientific and Statistical Committee
- V-1. GOA Rationalization - Revised Problem Statement
- V-2. GOA Groundfish Rationalization Revised Statement of Intent (As amended)
- V-3. Council Motion - Alternative 3, GOA Rationalization
- V-4. Approved Council Motion–GOA Rationalization
- VI. Ecosystem Committee Minutes
- VII. Enforcement Committee Report